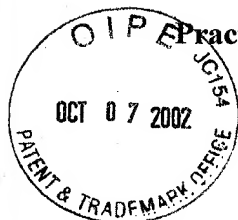


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Practitioner's Docket No. 700157/47483-C

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 10 2002

TECH CENTER 1600/2900

In re application of: Kolodner et al.

Application No.: 09/470,276

Group No.: 1637

Filed: 12/22/1999

Examiner: Fredman, J.

For: A METHOD OF DETECTION OF ALTERATIONS IN MSH5

Box AF
Assistant Commissioner for
Washington, D.C. 20231

**RESPONSE UNDER
37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP
1637**

Patents

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Express Mail certification is optional.)*

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Patricia W. Turner

Signature

Date: 9.30.02

Patricia W. Turner

(type or print name of person certifying)

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

NOTE: To take advantage of the expedited procedure the envelope in which this paper is mailed must be addressed as shown and must also be marked "Box AF" in the lower left hand corner. Alternatively, this paper can be hand carried to the particular Examining Group or other area of the Office in which the application is pending, in which case any envelope in which this paper is placed must be marked as in the bold type box above. Notice of Sept. 20, 1985 (1059 O.G. 19-20). See M.P.E.P. § 714.13, 6th ed., rev. 3.

AMENDMENT OR RESPONSE AFTER FINAL REJECTION, TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. § 1.116) for this application.

NOTE: Response to Final Rejection, Avoiding Extension Fees "In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be filed within two months of the date of the Office Action. If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes, but never more than six months from the date of the Final Rejection." Notice of Nov. 30, 1990 (1122 O.G. 571 to 591). See M.P.E.P. § 714.13, 6th ed., rev. 3.

STATUS

2. Applicant is
[X] a small entity. A statement:
[] is attached.
[X] was already filed.
[] other than a small entity.

EXTENSION OF TERM

NOTE: As to a Supplemental Amendment filed in response to a final office action, the Notice of December 10, 1985 (1061 O.G. 34-35) states:

"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run."

3. (complete (a) or (b), as applicable)

- (a) [X] Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
[x]	one month	\$ 110.00	\$ 55.00
[]	two months	\$ 380.00	\$ 190.00
[]	three months	\$ 870.00	\$ 435.00
[]	four months	\$ 1,360.00	\$ 680.00

Fee: \$ 55.00

If additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- [] An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 55.00

OR

- (b) [] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(Col.1)		(Col. 2)		(Col. 3) SMALL ENTITY			OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee
Total	* Minus	**	=		x \$9 =	\$		x \$18 =	\$
Indep.	* Minus	***	=		x \$39 =	\$		x \$78 =	\$
[] First Presentation of Multiple Dependent Claim					+ \$130 =	\$		+ \$260 =	\$
Total Addit. Fee						\$	OR	Total Addit. Fee	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3.

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: See 37 C.F.R. § 1.116.

(complete (c) or (d), as applicable)

(c) ☐ No additional fee is required.

OR

(d) ☐ Total additional fee required is \$ _____.

FEE PAYMENT

5. ☒ Attached is a check in the sum of \$ 55.00.
☐ Charge Account No. _____ the sum of \$ _____.
A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: Where there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the case. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 50-0850.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 50-0850.


SIGNATURE OF PRACTITIONER

Reg. No.: 30,628

Tel. No.: (617) 345-6054

Customer No.: 26248

Ronald I. Eisenstein
(type or print name of practitioner)
Nixon Peabody LLP
101 Federal Street
P.O. Address

Boston, MA 02110



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AF / 1637
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PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Washington, D.C. 20231**

on Sept 30, 2002
Date

Patricia W. Turner

Signature

Patricia W. Turner

Typed or printed name of person of signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Fee Transmittal for FY 2002 (PTO/SB/17) (1 pg)

Amendment Under 37 CFR 1.116 (4 pp)

Amendment Transmittal and Extension of Time (4pp)

Check for \$55.00

Return Receipt Postcard

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AP/NE
E.W. Williams
10-18-02

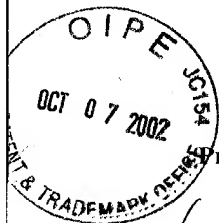
RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kolodner et al.

Application No.: 09/470,276

Filed: 12/22/1999

For: A METHOD OF DETECTION OF ALTERATIONS IN MSH5

Group No.: 1637

Examiner: Fredman, J.

AMENDMENT UNDER 37 CFR 1.116

In response to the final Office Action dated May 31, 2002, enclosed please find a Petition for a One Month Extension of Time and payment of fee. Please amend the above-described application as follows:

IN THE CLAIMS

3. An isolated nucleotide segment of no more than 3000 nucleotides containing a fragment of at least 25 contiguous nucleotides from the coding region as set forth in SEQ ID NO:1.

12. A kit for determining an alteration in a mammalian MSH5 gene by DNA amplification comprising:

a set of DNA oligonucleotides primers in a vial, said set allowing synthesis of a DNA ending the DNA mismatch repair gene, wherein said primers are selected from the group consisting of SEQ ID NOS:3-50.

41. An isolated and purified nucleotide segment, wherein said nucleotide segment is a fragment of at least 25 contiguous nucleotides of SEQ ID NO: 1, and wherein said nucleotide segment is mRNA or cDNA.

REMARKS

A comparison between the pending claims and the claims as amended is set forth in the attached Appendix.

10/09/2002 KBERHE 00000040 09470276

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